

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
ANDRE FULLER,
Defendant.

CASE NO. CR08-42MJP

PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on May 2, 2011. The United States was represented by Norm Barbosa, and defendant was represented by Michael Nance. The proceedings were tape-recorded.

CONVICTION AND SENTENCE

Defendant was sentenced on or about September 5, 2008 on charges of conspiracy to commit bank fraud, and aiding and abetting. The Hon. Marsha J. Pechman of this court sentenced defendant to 18 months of imprisonment, followed by three years of supervised release.

1 Defendant served his term of imprisonment, and began his term of supervised release on
2 February 24, 2010.

ALLEGED VIOLATIONS AND DEFENDANT'S ADMISSIONS

4 In an application filed April 21, 2011, USPO Jennifer Van Flandern alleged that defendant
5 violated the conditions of supervised release in four respects:

6 (1) Associating with James Kennedy, a convicted felon, on or about March 13, 2011;

7 (2) Committing the crime of drug distribution on or about March 13, 2011;

8 (3) Failing to notify the probation officer within 72 hours after his contact with law

9 enforcement officers, on or about March 16, 2011; and

10 (4) Failing to submit a truthful and complete written report to the probation officer by

11 April 5, 2011.

I advised defendant as to these charges and as to his constitutional rights. He admitted each of the charges listed above, although as to charge #2 he admitted only that he *attempted* to participate in a drug distribution offense. Defendant was to buy drugs for \$4,800. The distribution was never completed because a third party (James Kennedy) intervened and attempted to commit a robbery, in the course of which James Kennedy shot and chased the other participant in the attempted drug distribution. Defendant waived any hearing as to whether any of the four alleged violations occurred, and consented to having the matter set for a disposition hearing before Judge Pechman.

RECOMMENDED FINDINGS AND CONCLUSIONS

21 Based upon the foregoing, I recommend the court find that defendant has violated the
22 conditions of his supervised release in the four respects alleged, and conduct a disposition hearing.
23 That hearing has been scheduled for May 19, 2011 at 4:00 p.m.

1 Defendant has been detained pending a final determination by the court.

2 DATED this 3rd day of May, 2011.

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5 John L. Weinberg
6 United States Magistrate Judge

7 cc: Sentencing Judge : Hon. Marsha J. Pechman
8 Assistant U.S. Attorney : Norm Barbosa
9 Defense Attorney : Michael Nance
U. S. Probation Officer : Jennifer Van Flandern